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September 29, 2022

VIA ECF

Hon. Jennifer L. Rochon, U.S.D.J.
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: *Jiwani v. Emmel et al.*, Case No. 1:21-cv-02458 (JLR)

Your Honor:

My firm and I represent plaintiff Suhail Jiwani (“**Jiwani**”) in the above-referenced action. Please accept this letter motion as a request, pursuant to Section 1.F. of the Court’s *Individual Rules of Practice in Civil Cases* (“**Individual Rules**”) and the Court’s *Order* dated September 28, 2022 [ECF No. 38], for an adjournment of the initial pretrial conference scheduled for 10:00 a.m. on November 10, 2022. Please also accept this letter motion as a request, pursuant to Section 2.A. of the Court’s *Individual Rules*, that the initial pretrial conference be conducted remotely, either by telephone or by video.

The reason for the adjournment request is that on November 9, 2022, I am scheduled to attend and speak at an all-day event being held in Miami, Florida that my firm is co-hosting with JTC Americas and that will focus on aspects of the EB-5 Program administered by defendant United States Citizenship and Immigration Services (“**USCIS**”). Although the event will conclude that evening, my flight from Miami to Atlanta, Georgia, which is where I reside, is scheduled for 10:17 a.m. on November 10, 2022.

Since this action was filed in March 2021, USCIS and its co-defendants have requested, with Jiwani’s consent, and the Court granted, six extensions of the deadline to answer or otherwise move as to Jiwani’s Complaint and related adjournments of the initial pretrial conference. *See* ECF Nos. 18, 20, 22, 30, 33, and 35. The reasons there have been numerous such requests are that the parties have attempted to resolve this matter amicably, as the adjudication of Jiwani’s pending petition under the EB-5 Program will obviate the need for further litigation, and because the Court stayed this action after the statutory authorization related to the Regional Center component of the EB-5 Program lapsed and was not renewed for a period of approximately 8.5 months.

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Counsel for USCIS and its co-defendants has consented to the adjournment request. After conferring with counsel, I am able to inform the Court that she and I are available for a rescheduled initial pretrial conference on November 17, 2022, November 30, 2022, and December 1, 2022.

With regard to the request that the initial pretrial conference be conducted remotely, I note for the Court that although I practice out of my firm's offices located in Boston, Massachusetts, and New York, New York, I reside in Atlanta, Georgia as mentioned above. Nevertheless, I will, of course, travel to New York for the initial pretrial conference if the Court prefers to conduct it in person. Counsel for USCIS and its co-defendants has consented to the request that the initial pretrial conference be conducted telephonically or by video.¹

At present, there are no other appearances scheduled before the Court in this action.

I thank the Court for its consideration of the foregoing.

Respectfully submitted,

/s/ Steven C. Reingold

Steven C. Reingold

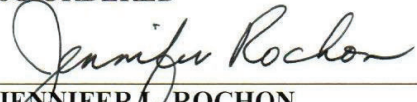
cc: Jacqueline Roman, Esq. (via ECF)

Request **GRANTED**. The initial pretrial conference scheduled for November 10, 2022 is adjourned to **November 17, 2022 at 10:00 a.m.** The conference shall be held remotely by video. In addition to the information that is required to be filed by the parties no later than seven calendar days before the conference date (*see* ECF No. 38), the parties shall file a joint letter on ECF by November 15, 2022 with the name, phone number, and email address of counsel who expect to appear at the conference.

Dated: September 29, 2022

New York, New York

SO ORDERED


JENNIFER L. ROCHON
United States District Judge

¹ Counsel for the government is a Special Assistant United States Attorney working remotely from Tampa, Florida.